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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,643	11/10/2003	Alfred D. Ducharme	C1104.70061US01	4766
23628	7590	10/03/2007		
WOLF GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206			EXAMINER NEGRON, ISMAEL	
			ART UNIT 2885	PAPER NUMBER
			MAIL DATE 10/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/705,643

Applicant(s)

DUCCHARME ET AL.

Examiner

Ismael Negron

Art Unit

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20,22-37,39-64,66-98 and 100-117 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-20,22-37,39-43,64,70,78,98,104,112 and 114-117 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) See Continuation Sheet are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/20/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims subject to restriction and/or election requirement are 1-14,44-63,66-69,71-77,79-97,100-103,105-111 and 113.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Invention II in the reply filed on July 19, 2007 is acknowledged. The traversal is on the ground(s) that examination of all the pending claims can be made with no serious burden on the Examiner since the claims directed to Invention II have already being allowed, and four previous actions have already been issued on all the claims. This is not found persuasive because, as the applicant is surely aware, patents are limited to only one invention (emphasis added) while the instant claims are clearly directed to two different and distinct inventions (as detailed in sections 2-5 of the Office Action mailed June 19, 2007). In addition, while the applicant might be correct in that the claims directed to Invention II have already been allowed and, therefore, examination of such claims does not imposed a serious burden, it is also a fact that the claims directed to Invention I are not only still under discussion, but also have been amended to additional structural and functional limitations (i.e. the second sensor for measuring sample radiation) which would, indeed, require additional search and consideration beyond what was presented in previous Office Actions.

Since the instant claims are directed to two different and distinct inventions and examination of all the pending claims would be a serious burden on the Examiner, the requirement is still deemed proper and is therefore made FINAL.

Allowable Subject Matter

2. Claims 15-20, 22-37, 39-43, 64, 70, 78, 98, 104, 112 and 114-117 are allowed.

3. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches an illumination device having plurality of groups of light-emitting devices, at least one first group of light emitting devices being for emitting a first spectrum of light and a second group being for emitting a second spectrum different from the first one. A controller drives each group to produce a composite spectrum, such composite spectrum including wavelength only within a contiguous bandwidth of a predetermined target range when the controller supplies prescribed maximum amounts of power to all the groups of light emitting devices. In a second embodiment the composite spectrum simulates the spectrum of a predetermined light source. In a third embodiment, the plurality of light emitting devices includes at least two white light emitting diodes, such diodes having respectively different spectra. In a fourth embodiment, the controller is configured to vary the color temperature of the composite radiation within a range of approximately 2,300 degrees Kelvin and 4,500 degrees Kelvin.

Conclusion

4. This application is in condition for allowance except for the presence of claims 1-14, 44-63, 66-69, 71-77, 79-97, 100-103, 105-111 and 113 directed to an invention non-elected with traverse in the reply filed on July 19, 2007. Applicant is given **ONE MONTH or THIRTY DAYS** from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue. The prosecution of this case is closed except for consideration of the above matter.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee, can be reached on (571) 272-7044. The facsimile machine number for the Art Group is (571) 273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.

/Ismael Negron/
Patent Examiner
AU 2885